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8
9 ADDITIONAL COUNSEL ON SIGNATURE
PAGE

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 Freescale Semiconductor, Inc.,

14 Plaintiff,

15 v.

16 ChipMOS Technologies, Inc.,

17 Defendant.

18
19
20 AND RELATED COUNTERCLAIMS.

Case No. 5:09-CV-03689-JF-PVT

**STIPULATION AND ~~PROPOSED~~
ORDER TO ENLARGE TIME FOR
CHIPMOS' TO FILE OPPOSITION
TO MOTION FOR SUMMARY
JUDGMENT RE: 1) CHIPMOS'
CLAIMS FOR BREACH OF
CONTRACT AND PATENT MISUSE,
AND 2) FREESCALE'S CLAIM FOR
BREACH OF CONTRACT**

Date: July 2, 2010
Time: 9:00 a.m.
Dept: Courtroom 3, 5th Floor
Judge: Hon. Jeremy Fogel

Complaint filed: July 13, 2009
Trial Date: Not Set
JURY TRIAL DEMANDED

22 Pursuant to Local Rules 6-1(b) and 6-2, Plaintiff Freescale Semiconductor, Inc.
23 ("Freescale") and Defendant ChipMOS Technologies, Inc. ("ChipMOS") submit this Stipulation
24 To Enlarge Time for ChipMOS' To File Opposition to Motion for Summary Judgment Re: 1)
25 ChipMOS' Claims for Breach of Contract and Patent Misuse, and 2) Freescale's Claim for
26 Breach of Contract.

1 WHEREAS Freescale filed a Motion for Summary Judgment on May 3, 2010;

2 WHEREAS ChipMOS' Opposition is currently due on June 11, 2010;

3 WHEREAS ChipMOS desires to submit a declaration from a former employee on matters
4 that are relevant to its Opposition;

5 WHEREAS the former employee is traveling and unavailable to finalize a declaration in
6 advance of the June 11, 2010 deadline;

7 WHEREAS Freescale has agreed that ChipMOS can file its Opposition on Monday,
8 June 14, 2010 provided that ChipMOS serves its Opposition on Friday, June 11, exclusive of the
9 declaration of the former ChipMOS employee; and

10 WHEREAS the requested enlargement will not affect any other deadlines.

11 NOW THEREFORE IT IS HEREBY STIPULATED by the Parties, through their
12 respective counsel of record, subject to the Court's approval, that ChipMOS is permitted to file its
13 Opposition to Freescale's Motion for Summary Judgment on Monday, June 14, 2010.

14 **IT IS SO STIPULATED.**

15 Dated: June 11, 2010

Respectfully submitted,

16 PAUL, HASTINGS, JANOFKY & WALKER LLP
17 RONALD S. LEMIEUX
18 SHANEE Y. W. NELSON
KEREN HU

19 By: /s/ Shanée Y. W. Nelson
20 SHANEE Y. W. NELSON

21 Counsel for Defendant and Counterclaimant
22 ChipMOS Technologies, Inc.

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1 In accordance with General Order No. 45, Section X(B), the above signatory attests that
2 concurrence in the filing of this document has been obtained from the signatory below.

3 Dated: June 11, 2010

Respectfully submitted,

4 By: /s/ Greg L. Lippetz

5 GREG L. LIPPETZ

6 State Bar No. 154228

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10 IL Bar No. 6489249 (Admitted *Pro Hac Vice*)

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13 Counsel for Plaintiff and Counterclaim-Defendant


14 Freescale Semiconductor, Inc.

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16 ~~PROPOSED~~ ORDER

17 Pursuant to the stipulation above, ChipMOS' deadline to file its Opposition to Freescale's
18 Motion for Summary Judgment is extended to June 14, 2010.

19 **IT IS SO ORDERED.**

20 DATED: FNT, 2010

21 
Hon. Jeremy Fogel, U.S. District Judge

22 LEGAL_US_W # 64955724.1